REMARKS

Claims 1 through 22 are currently pending in the application.

This amendment is in response to the Final Office Action of May 21, 2003.

Claims 1 through 22 are rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 7 through 28 of prior U.S. Patent 6,084,288 (hereinafter referred to as the `288 patent).

Applicants submit that a reliable test for statutory double patenting under 35 US.C. § 101 in whether a claim in n the application could be literally infringed without literally infringing a corresponding claim in the patent. Is there an embodiment of the invention that falls within the scope of one claim, but not the other? If there is such an embodiment of the invention, then identical subject matter is not defined by both claims and statutory double patenting under 35 US.C. § 101 does not exist. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (XXPA 1970).

Applicants submit that presently amended independent claims 1 and 6 of the present application clearly set forth embodiments of the inventions having an elements of the inventions calling for "coating the first side of the wafer substrate using a first removable coating having a thickness to substantially seal at least one surface of the at least one semiconductor device on the first side of the wafer substrate" and "coating the first side of the wafer substrate with a first removable coating having a thickness to substantially seal the at least one surface of at least one semiconductor device on the first side of the wafer substrate" whereas the embodiments of the inventions set forth in independent claims 7 and 12 of the `288 patent do not have such elements. Accordingly, no statutory double patenting under 35 U.S.C. § 101 exists between the embodiments of the inventions of presently amended independent claims 1 and 6 of the present application and the embodiments of the inventions of independent claims 7 and 12 of the `288 patent. Therefore, claims 1 through 22 are allowable.

Claims 1 through 22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 through 22 of U.S. Patent 6,287,942. In order to avoid further expenses and time delay, Applicants elect to expedite the prosecution of the present application by filing a terminal disclaimer to obviate the double patenting rejection in compliance with 37 C.F.R. §1.321 (b) and (c). Applicants' filing of the terminal disclaimer

should not be construed as acquiescence of the Examiner's double patenting or obviousness-type double patenting rejection. Attached is the terminal disclaimer and accompanying fee.

Applicants submit that claims 1 through 22 of the present application are clearly allowable.

Applicants request the allowance of claims 1 through 22 and the case passed for issue.

Respectfully submitted,

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